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10/046,409	01/16/2002	Victoria M. Bellotti	D/A1490Q1	2099

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

10/046,409

Applicant(s)

BELLOTTI ET AL.

Examiner

Jeffrey C. Pwu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-22 are pending.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 6, and 11 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 26 of copending Application No. 10/046,581. Although the conflicting claims are not identical, they are not patentably distinct from each other because both recites a method and system for managing and tracking information items within a message-based system.

For example, claim 1 of the instant application and claim 1 of application No. 10/046,581 recites a method for managing and tracking information items within a message-based system having a viewing pane, generating a thrask, each of the thrask including information items having a set of metadata, sorting new information items into the thrask, and displaying the thrask. Claim 1 of the instant application, however, recites addition generating and displaying a plurality of thrasks. It therefore, would have been obvious to a person having skill in the art at the time of the invention was made to incorporate a plurality of thrasks in order to sort and display a multiple thrasks in more than one viewing panes.

This is provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 6, and 11 are vague and indefinite because it is unclear of the term "thrask". The examiner is confused of the definition of a thrask. Applicant defined it as "it is like a Microsoft Outlook.TM. thread. However, a thrask is less easy to capture technically, because it does allow for an element of human judgment." It is unclear what is the element of a human judgment. Applicant

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further define it as "A thrask may or may not have a single deadline, and may or may not include items representing multiple tasks."

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chandra et al. (U.S. 2002/0138582). Hereinafter "Chandra".

With respect to Applicant's definition of the term "thrask": (pages 6-8)

"[0039] In the present invention, the new term "thrask" is defined. Inasmuch as the term thrask refers to a collection of related items in the browser of the present invention, it is like a Microsoft Outlook.TM. thread. However, a thrask is less easy to capture technically, because it does allow for an element of human judgment. Thus, in the present invention, the term thrask encompasses much more than what is defined for a thread in Microsoft Outlook.TM. The following are some differences between thrasks and Microsoft Outlook.TM. threads.

[0040] A thrask is a cross between a task and a thread. A thrask may or may not have a

single deadline, and may or may not include items representing multiple tasks.

[0041] A thrask may or may not correspond to a series of messages of the sort that can be computed by Outlook.TM. for an Outlook.TM. thread. In a similar way to Outlook.TM., in the system of the present invention, new items are added to the thrask automatically using sender, recipient, subject line and message ID information. However, by contrast with Outlook.TM. threads, a user can manually add items to, or remove them from a thrask. A user can also change the name of a thrask.

[0042] A thrask can include not only messages (or not even any messages), but other items as well, since users are not confined to working only with email content. Other items can be documents and links that have never been embedded in an email message. They can be notes, sharing many of the properties of unsent messages in the system of the present invention. These items can be included into a thrask via a menu option or by drag-and-drop into TaskMaster. Thrasks are fully integrated with email functionality. The system of the present invention brings this stream-based multiform document collection capability into a message-based collection viewer.

[0043] Each item within a thrask can have a deadline and a reminder attached to it as it may correspond to a task, or include task critical information, and thus can stand for a task.

[0044] There may be many items with deadlines or reminders inside a single thrask.

The thrask is the online structure in the system of the present invention that stands for the relations between, or organizes related human tasks represented by different messages and other items.

[0045] A thrask may also contain other augmentations such as indicators manipulated by the user to show obligations (whose court the ball is in) for a particular task, additional "stick-on" notes that can be attached to items in the thrask, tools to help the user manage the thrask contents such as filtering for items which the user is obliged to complete as tasks, indicators identifying different versions of the same document within the thrask, indicators as to whether a task has been terminated, and so on.

[0046] A thrask may be very different from an Outlook task, depending on how it is implemented in an application. Some of the differences are the following.

[0047] A thrask is embedded in the email handling part of the system of the present invention, while an Outlook task is a separate kind of item that is typically accessed in a separate part of the application (the task folder) but can also be seen in Outlook's calendar view.

[0048] A thrask can comprise many items rather than just one item like an Outlook task. A thrask includes incoming items, more like an Outlook thread than an Outlook task."

Chandra teaches claims:

1. A method for managing and tracking information items within a message-based system (paragraph [0034] to [0046]), the message-based system having a viewer, the viewer including a first, a second and a third viewing panes, the method comprising the operations of:

(a) generating a plurality of thrasks, each of the thrasks including at least one information item having a set of metadata; (292, 294)

(b) sorting a new information item into one of the thrasks in accordance with at least one criterion; and (paragraph [0025], [0027], [0342], [0359])

(c) displaying in the first viewing pane some of the thrasks, and displaying in the second viewing pane a list of the information items of a thrask selected from the displayed thrasks, for each of the displayed information items at least one of the respective metadata being displayed, and displaying in the third viewing pane some of the content of an information item selected from the list of the displayed information items. (paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

2. The method of claim 1 further comprising the operation of: (e) updating at least one of the metadata of one of the information items in one of the thrasks. (2320, paragraph [0758])

3. The method of claim 1 wherein, in operation (a), a thrask is generated in response to

a user action. (paragraph [0041]; “user input”)

4. The method of claim 1 wherein, in operation (b), a new information item is sorted into one of the thrasks in response to a user action. (paragraph [0380])

5. The method of claim 1 wherein operation (c) is performed in response to a user interaction with one of the first and second viewing panes. . (paragraph [0019], [0708]-[0711]; “window 2100”, “header display 2102”, “message body display pane 2104”)

6. A system for managing and tracking information items within an message-based system, the message-based system having a viewer, the viewer including a first, a second and a third viewing panes, the system comprising: (a) a thrask generating module generating a plurality of thrasks, each of the thrasks including at least one information item having a set of metadata; (b) a sorting module sorting a new information item into one of the thrasks in accordance with at least one criterion; and (c) a display module displaying in the first viewing pane some of the thrasks, and displaying in the second viewing pane a list of the information items of a thrask selected from the displayed thrasks, for each of the displayed information items at least one of the respective metadata being displayed, and displaying in the third viewing pane some of the content of an information item selected from the list of the displayed information items. (292, 294; paragraph [0019], [0708]-[0711]; “window 2100”, “header display 2102”, “message body display pane 2104”)

7. The system of claim 6 further comprising: (e) an updating module updating at least one of the metadata of one of the information items in one of the thrasks. (2320, paragraph [0758])

8. The system of claim 6 wherein the thrask generating module generates a thrask in response to a user action. (paragraph [0380])

9. The system of claim 6 wherein the sorting module sorts a new information item into one of the thrasks in response to a user action. (paragraph [0380])

10. The system of claim 6 wherein the display module displays in response to a user interaction with one of the first and second viewing panes. (292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

11. A system for managing and tracking information items within an message-based system on a user system, the system having a viewer including a first and a second viewing panes, the system comprising: (a) a mail handling module importing a new mail item into the system, the imported mail item being transformed into one or more information items which are sorted into a corresponding thrask, the information items having metadata; (b) a thrask list module controlling a display of and user interaction with a list of thrasks in the first viewing pane; (c) an item list module controlling a display

of and user interaction with a list of information items of a thrask selected from the list of thrasks in the second viewing pane; and (d) a notification module receiving notifications of logical events and coordinating respective system responses with the mail handling module, the thrask list module, and the item list module. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

12. The system of claim 11, wherein the viewer includes a third viewing pane, further comprising: (e) a content preview module controlling a display of the content of an information item selected from the list of information items in the third viewing pane.

13. The system of claim 11 further comprising: (f) a form module managing a set of forms, the forms being windows visible to a user. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

14. The system of claim 13 wherein the form module manages initialization of the main window of the system. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

15. The system of claim 13 wherein the form module includes logic to handle a compose form, the compose form facilitating a user to write, save and send a new message. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

16. The system of claim 13 wherein the form module manages an item form, the item form allowing a user to see details of an information item in an item window.

17. The system of claim 11 further comprising: (f) a relational database holding data of the system; and (g) a database module accessing the relational database. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

18. The system of claim 11 wherein the mail handling module sorts the information items into a same thrask that includes a message to which the new mail item is a response. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

19. The system of claim 11 wherein the mail handling module sorts the information items into a default thrask when the new mail item is not a response to any message in any of the thrasks. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph

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[0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

20. The system of claim 11 wherein the thrask list module displays in proximity of a thrask a composite representation of certain metadata of the information items in the thrask. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

21. The system of claim 11 wherein the composite representation indicates obligations for the thrask. (paragraph [0025], [0027], [0342], [0359]; 292, 294; paragraph [0019], [0708]-[0711]; "window 2100", "header display 2102", "message body display pane 2104")

22. The system of claim 11 wherein the thrask list module displays in proximity of a thrask an indicator representing an approaching deadline. (paragraph [0380])

Response to Arguments

7. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798. The examiner can normally be reached on 7:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



9/30/05

JEFFREY PWU
PRIMARY EXAMINER